

REMARKS

Claim 1 is presented for consideration. By this amendment, minor changes have been made to claim 1 to address issues of definiteness. Further, a substitute specification is being submitted including appropriate sections and section labels. No new matter has been added.

The office action states that Applicant is not seeking the benefit of the prior European Patent Application number 0400327 0.8. Applicant notes that Applicant does wish for priority to continue to be claimed and in fact the claim of priority has been made and priority has been perfected in the International Phase, with the submission of a certified copy of the priority document. Applicant attaches hereto the certified copy of the priority document also with the official WIPO cover page indicating the certified copy of the priority document has been submitted to the international Bureau on February 25, 2005. Applicant further is submitting a PCT document showing the International filing date as well as the claim of priority to European Patent Application number 0400327 0.8. Further, Applicant is submitting a substitute declaration clearly showing the continued claim to priority of European Patent Application number 0400327 0.8. Accordingly, it is believed that this issue has now been resolved based on a proper priority claim, perfection of priority and continued priority claim.

The specification has been objected to with regard to the abstract having reference to the drawing figure number. Further, the specification has been objected to as not including various sections of the specification with proper headings. The substitute specification submitted herewith addresses these issues. It is requested that this be accepted as it is believed that the objections have been overcome.

Claim 1 has been rejected under 35 U.S.C. section 112, second paragraph as being indefinite. Applicant has amended claim 1 to clarify the features claimed. The language "or both" has been removed. It is Applicant's position that the claim is clear and definite and conforms with the requirements of the statute.

It is requested that the application now be allowed as it is believed that the application is now condition for allowance. Should the Examiner determined that any issues remain which have not been resolved, the Examiner is requested to telephone Applicant 's Attorney at the number given below such that issues may be resolved at an early time.

Respectfully submitted
for Applicant,



By: _____
John James McGlew
Registration No. 31,903
McGLEY AND TUTTLE, P.C.

Enclosures:

Substitute Specification
Marked up copy of the Substitute Specification showing changes
Substitute Inventor's Declaration
Priority document submitted or transmitted to the International Bureau on
February 25, 2005 showing WIPO Receipt
PCT document indicating International filing date and claim of priority

JJM:jj/
72310-7

SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK OFFICE IS HEREBY REQUESTED TO CHARGE SUCH FEE TO OUR DEPOSIT ACCOUNT 13-0410.

DATED: March 25, 2010
McGLEW AND TUTTLE, P.C.
BOX 9227 SCARBOROUGH STATION
SCARBOROUGH, NEW YORK 10510-9227
TELEPHONE: (914) 941-5600
FACSIMILE: (914) 941-5855